

July 23, 2012

***Via Electronic Filing***

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

**Re: Notice of Oral *Ex Parte* Communications, CG Docket No. 09-158, CC Docket No. 98-170, WC Docket No. 04-36**

On July 20, 2012, the following representatives of Measurement Lab (M-Lab): Sascha Meinrath, M-Lab/New America Foundation's Open Technology Institute; Thomas Gideon, M-Lab/New America Foundation's Open Technology Institute; and Meredith Whittaker, M-Lab/Google met with Chief Technologist Henning Schulzrinne and Daniel Kirschner, Counselor to the General Counsel, to discuss the FCC's broadband measurement program.

We discussed moving forward with the measurement program and how to work together to operationalize the FCC's commitment to open, transparent measurement.

Dr. Schulzrinne raised the question of whether or not the FCC could require individual measurement tools to open source their code. Dr. Schulzrinne suggested that a detailed open specification could be independently implemented, primarily for the client side of a given client/server measurement tool, thereby allowing anyone with access to the specification and the relevant data to compare and verify results across servers. This could tie into existing standards efforts at IETF and elsewhere. Dr. Schulzrinne expressed his support for independent measurement implementations, allowing independent verification of the FCC's collected results. Mr. Meinrath offered M-Lab's support with this effort.

Dr. Schulzrinne also raised the question of how much data must be released openly to the public. Ms. Whittaker suggested that the data must be granular enough to allow results to be replicated by external researchers. Mr. Meinrath gave accounting of instances in which detailed data was released, and only later was its efficacy discovered. He encouraged an "as much as possible" approach, and described the way in which the M-Lab program was founded with the capacity to store and offer publicly large amounts of data.

Mr. Meinrath then turned the discussion to ways to make open and transparent measurement concrete in the context of the existing measurement program. Dr. Schulzrinne suggested that a technical advisory committee could be formed to provide clear, technically-justified guidance on measurement for the broader measurement program collaborative. This committee would include members of the research community, engineers from the participating organizations in the existing measurement collaborative, and others whose participation would be valuable. Mr. Meinrath offered M-Lab's support in identifying the right participants. The goal of this advisory committee would be to propel a research-driven measurement process, and ensure that decisions

are made based on technical considerations. Dr. Schulzrinne suggested that membership in the group be limited to engineers and those with a solid technical background.

Dr. Schulzrinne then mentioned that there would need to be a very clear and concrete relationship between the technical advisory committee and the broader measurement collaborative that allowed quick communication, and enabled the technical committee to serve as a real-time guide.

Dr. Schulzrinne suggested that the technical advisory committee agree on a frequent meeting schedule, and a fluid and immediate means of inter-group communication that could function similar to an IETF working group, hashing out technical details on-list between meetings. It was suggested that an initial draft, specifying the group's charter could be produced within a month. Mr. Meinrath suggested that Dr. Schulzrinne could act as the chair of the technical advisory committee, and Mr. Kirschner mentioned that before a firm decision on a chairman was made, it was necessary to look at the existing collaborative, and chart the current procedures and structure.

Dr. Schulzrinne offered to draft and share an outline of his vision for the committee's involvement and charter. Mr. Meinrath and Ms. Whittaker offered their assistance with this task. Ms. Whittaker also offered to draft operational suggestions for the way in which the technical advisory committee could profitably interact with the broader measurement program.

Respectfully submitted,  
/s/

Sascha Meinrath

Open Technology Institute  
New America Foundation  
1899 L Street NW, Suite 400  
Washington, DC 20036